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TRANSMITTAL FORM

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		Application Number	10/712,696
		Filing Date	November 12, 2003
		First Named Inventor	UNGER
		Art Unit	2613
		Examiner Name	LE, Vu
Total Number of Pages in This Submission	4	Attorney Docket Number	81097/7114

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fitch, Even, Tabin & Flannery		
Signature			
Printed name	Steven M. Freeland		
Date	August 5, 2005	Reg. No.	42,555

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Julie Freiburger	Date	August 5, 2005

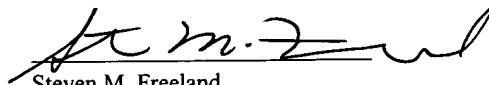
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. 81097/7114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Allan Unger)	<u>Certificate of Transmission/Mailing</u>
Application No.:	10/712,696	)	I hereby certify that this correspondence is being
Filed:	November 12, 2003	)	facsimile transmitted to the USPTO, or deposited
Title:	APPARATUS AND METHOD FOR USE IN PROVIDING DYNAMIC BIT RATE ENCODING	)	with the United States Postal Service with sufficient
		)	postage as first class mail in an envelope addressed
		)	to: Mail Stop Amendment, Commissioner for
		)	Patents, P.O. Box 1450, Alexandria, VA 22313-
		)	1450, on the date shown below:
Art Unit:	2613	)	<u>8/5/05</u>
Examiner:	Vu Le	)	Date
Customer No.:	37123)	
Confirmation No.:	9238	)	Steven M. Freeland Registration No. 42,555 Attorney for Applicants

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted:

- Under 37 CFR §1.97(b) (within three months of the filing date of a national application or date of entry of an international application, or before the mailing date of a first Office Action on the merits, whichever occurs last). However, should a first Office Action on the merits be mailed unbeknownst to the undersigned prior to the date of mailing of this paper, the fee requested under §1.17(p) may be charged to Deposit Account No. 50-1616.
- Under 37 CFR §1.97(c) together with either:
 - a statement under 37 CFR §1.97(e), or
 - a fee (\$180) under 37 CFR §1.17(p) which may be charged to

deposit account number 06-1135 of Fitch, Even, Tabin & Flannery. (after the 37 CFR §1.97(b) time period, but before the mailing date of a final Action, a Notice of Allowance, or an action that otherwise closes prosecution).

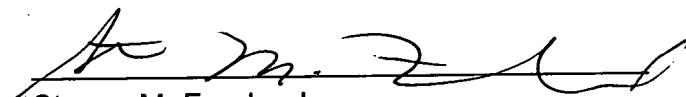
- Under 37 CFR §1.97(d) together with:
- a statement under 37 CFR §1.97(e), and
- a fee under 37 CFR §1.17(p)
(after the 37 CFR §1.97(c) time period, but on or before payment of the issue fee).

In accordance with the duty of disclosure imposed by 37 CFR § 1.56 to inform the Patent Office of all patents, publications, applications and other information known by Applicants or Applicants' representative that may be material to the examination of the subject application, Applicants' representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 CFR §§ 1.97-1.98 and includes Form PTO/SB/08A with one reference listed as item AA.

It is requested that the information provided herein be made of record in this application.

Dated: August 5, 2005

Respectfully submitted,

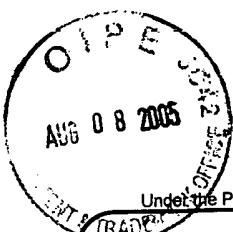


Steven M. Freeland
Attorney for Applicants
Reg. No. 42,555

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(858) 552-1311

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PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

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~~Substitute for form 1449/PTO~~

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/712,696
Filing Date	11/12/2003
First Named Inventor	UNGER
Art Unit	2613
Examiner Name	LE, Vu
Attorney Docket Number	81097/7114

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	AA	PCT/US04/38578-search rpt	05-10-2005	Gueta and Itoh	Page 4	

Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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